

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

VICTOR MARCHIONNA

vs.

LEASING ENTERPRISES LTD D/B/A
PERRY'S STEAKHOUSE GRILLE

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CIVIL ACTION NO. SA11CA1127OG

**DEFENDANT LEASING ENTERPRISES, LTD.'S
RULE 68 OFFER OF JUDGMENT**

DEFENDANT LEASING ENTERPRISES, LTD. ("LEL") submit this Offer of Judgment pursuant to FED.R.CIV.P. 68.

LEL offers to allow entry of judgment pursuant to FED.R.CIV.P. 68 as follows:

1. Judgment in favor of Plaintiff VICTOR MARCHIONNA and against LEL in the amount of (a) \$12,000.00; (b) taxable costs of court incurred to the date of this Offer; and (c) reasonable attorney's fees incurred to the date of this Offer and recoverable under the statutory standards applicable in this case, in an amount to be determined by the Court.
2. This offer is made pursuant to the provisions of FED.R.CIV.P. 68 and will be deemed withdrawn unless Plaintiff serves a written notice of acceptance of the offer within 10 days of the date that it was served upon him.
3. If Plaintiff does not accept this offer and the judgment finally obtained by Plaintiff is not more favorable than this offer, LEL prays that Plaintiff pay all litigation costs incurred by LEL, including reasonable attorneys' fees, actual trial expenses, deposition costs, fees for expert witnesses, and such other and further costs and expenses as are contemplated by the applicable provisions of Rule 68 and the statutes upon which Plaintiff's claims are based.
4. LEL makes this offer of judgment in order to avoid the costs of litigation, and this

offer should not be construed as any indication of the merits of Plaintiff's claims or of any liability on the part of LEL.

DATED this 3rd day of May, 2012.

Respectfully submitted,

JACKSON WALKER L.L.P.



LIONEL M. SCHOOLER (SBN 17803300)

1401 McKinney Ave., Suite 1900

Houston, Texas 77010

(713) 752-4516 (Direct)

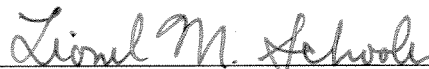
(713) 308-4156 (Direct Fax)

E-Mail: lschooler@jw.com

ATTORNEYS FOR DEFENDANT
LEASING ENTERPRISES, LTD.

CERTIFICATE OF SERVICE

This is to certify that on this 3rd day of May, 2012, a true and correct copy of the foregoing Rule 68 Offer of Judgment was served via fax transmission and via certified mail, return receipt requested, upon: Counsel for Plaintiff Victor Marchionna, Mr. Michael V. Galo, Jr., Esq. (SBN 00790734), Galo Law Firm, P.C., 4230 Gardendale, Bldg. 401, San Antonio, Texas 78229.



LIONEL M. SCHOOLER